

Advocate for elders aims for abuse law

By Sara Burnett *The Denver Post*

After years of advocating for the elderly, Charles Carter can rattle off the horror stories with ease.

An 84-year-old Denver woman allegedly killed by the adult son she supported.

A Greeley caregiver charged with stealing from a 101-year-old woman to buy gas, clothes and drugs.

A Colorado probate-court system that state auditors twice in the past six years have said fails those it is intended to protect.

Yet Colorado remains one of four states that do not require social workers, physicians and other occupations to report suspected or evident elder abuse to police or adult protective services, according to the American Bar Association's Commission on Law and Aging.

The laws in other states have been credited with identifying and helping to stop elder abuse, and the only other states without one are New York, North Dakota and South Dakota.

So Carter, an 82-year-old former lobbyist from Littleton, is working to get a mandatory-reporting law for at-risk adults passed when the state legislature reconvenes next year.

"I just can't understand why people are so blind to this," Carter said. "Once you get into adulthood, if you lose your mind ... you can be as vulnerable as any child."

Carter has a strong ally in First Judicial District Attorney Scott Storey, who said he too

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has been doing research and is "motivated to get something done" on the issue in 2012 or 2013.

"Elder abuse is about 20 to 25 years behind child abuse," Storey said. "We have a mandatory child-abuse (reporting) statute. We should have a statute for elder abuse."

Carter has attempted to get a mandatory-reporting law for all at-risk adults — not just the elderly — through the legislature multiple times over the past 15 years. Typically, the bills have been killed in legislative committees. In 2005, a bill made it to Gov. Bill Owens' desk but was vetoed.

Crime underreported

Opponents say the law would result in bigger caseloads for an already-overloaded Adult Protective Services and that Colorado's cash-strapped budget can't handle the extra cost. Others, particularly caregivers, worry that they may be unfairly accused of crimes they didn't commit.

Storey doesn't buy either argument.

"What is the cost to an individual who has somebody abusing them?" he asked.

In February 2010, Storey's office started an elder-abuse unit. In its first year, the unit prosecuted about 35 cases; roughly two-thirds of those were financial crimes, with the remainder being physical and sexual abuse, Storey said.

Among those cases were two women charged with stealing from residents at an Arvada senior living center, a man who took \$10,900 from a Wheat Ridge couple for roofing work he never did and a man convicted of attacking an 82-year-old man in a movie-theater bathroom and stealing his credit card.

The attacker, who was convicted in August, told police he focused on the man because he used a cane.

The unit has shown that elder abuse is underreported and underinvestigated, Storey said.

He also has learned that trained investigators with expertise in elder abuse are able to distinguish between injuries caused by normal aging, such as bruises, and those that are the result of abuse.

Jane Walsh, the deputy district attorney in charge of the Boulder County DA's Commu-

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nity Protection Division, agreed.

"The expertise is there to know what it is when you see it," Walsh said.

Boulder County District Attorney Stan Garnett said he also supports the idea of mandatory reporting for elder abuse or neglect but noted "the devil is in the details."

Caseloads already large

Dora-Lee Larson, executive director of the Denver Domestic Violence Coordinating Council, said she supports the law, as long as it is accompanied by funding so caseworkers have the resources to meet expanded need.

In fiscal year 2010-11, Adult Protective Services received 10,846 reports statewide and opened 4,481 new cases. Case workers had an average case load of 31 per worker statewide; in the 10 largest counties it was an average of 34 case per worker. The national recommended standard is 25, according to the Colorado Department of Human Services.

DHS spokeswoman Liz McDonough declined to comment on the potential legislation because a bill has not been drafted.

But Walsh said there seemed to be no good explanation for why Colorado doesn't have mandatory-reporting law when almost every state does.

"It's clearly working in 49 other states," she said. "So what's so different about Colorado that we couldn't do it here?"

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Charles Carter, left, 82, has been pushing for several years to get a law passed in Colorado that would make it mandatory for professionals to report suspected elder abuse.

Hyoung Chang, *The Denver Post*